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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,899	12/29/2000	Frank J. Bunick	MCP-0262	9623

7590 09/20/2005

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EXAMINER
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CHANNAVAJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/752,899

**Applicant(s)**

BUNICK ET AL.

**Examiner**

Lakshmi S. Channavajjala

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

Receipt of response and oath dated 6-29-05 is acknowledged.

Claims 1-13 are pending in the instant application.

#### ***Response to Arguments***

Applicant's arguments with respect to the rejection of claims 1-13 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,327,076 to Puglia in view of US 5,380,541 to Beyts et al.

Puglia teaches compressed soft chewable antacid tablets that are break resistant and yet fast disintegrating upon chewing. The tablet of Puglia containing antacid particles is mixed with oil or fat absorbed on a fat-absorbing material such as microcrystalline cellulose and tablet binders such as dextrose hydrate, sugars etc (col. 2, lines 46-67, Example 1 & col. 5, lines 22-32). Puglia further teaches addition of sweetening agents such as sugar, saccharin, aspartame etc in the antacid composition (col. 6, lines 40-54). In addition to antacid, Puglia teaches chewable tablets comprising other medicaments such as aspirin, vitamins etc (col. 9). Puglia teaches addition of fats or oil in an amount of 2% to 45%, which includes the claimed percentage of fat (col. 4, lines 53-65). Puglia does not specifically teach particulate dextrose monohydrate.

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However, the reference teaches blending the dextrose monohydrate with other components of the tablet (col. 8) and thus obviously resulting in a particulate material before being compressed. Puglia fails to teach sucralose of the instant claims.

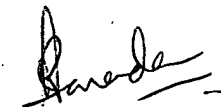
Beyts teaches sucralose containing ingestible compositions such as medicaments, beverages, etc. Beyts teaches that a synergy in obtaining sweetness is observed with sucralose and other saccharides such as glucose, fructose, mannitol, sorbitol, or fructose mixed with glucose. Example 1 of Beyts shows the synergy of sucralose with various sweeteners such as fructose etc., and the list of sweetener blends with sucralose in col. 5, specifically mentions a combination of dextrose monohydrate and sucralose that reads on the instant claimed components. Further example 9 is directed to a peppermint tablet, which meets the description of a chewable tablet. Accordingly, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to add a synergistic combination of sucralose with other sweeteners such as fructose, dextrose monohydrate, sucrose, glucose etc., of Puglia because Beyts suggests that sucralose is effective in reducing the calorie level in the final preparation of foodstuff, medicaments, beverages etc, and is much sweeter than the sucrose or other sweeteners. Accordingly, one of an ordinary skill in the art would have expected to sweeten the chewable tablet composition of Puglia by adding sucralose together with other sweeteners such that the sweetness intensity of the composition is increased due to the presence of sucralose and yet with low calories.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -6.30 PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lakshmi S Channavajjala  
Examiner  
Art Unit 1615

September 18, 2005